

# **Exhibit 1**

**DECLARATION OF TECHNICAL FAILURE OF THE COURT'S ECF FILING SYSTEM**  
**ON 12/11/23**  
**[BY ANDRE BISASOR]**

**A. DECLARATION OF TECHNICAL FAILURE**

On 12/11/23, I attempted several times to file 4 documents using the court's e-filing system (ECF) but encountered a technical failure that rendered the ECF system inaccessible for purposes of filing documents. This impeded my ability to file documents yesterday which was the court ordered deadline for filing certain documents including replies to the defendants' objections to my motion to remand and a motion to allow jurisdictional discovery pertaining to remand.

**B. SCREENSHOT SHOWING ECF SYSTEM TECHNICAL FAILURE**



This screenshot taken last night before midnight shows a technical failure of the ECF system. This screen shown above is the screen that appeared after selecting my name as filer of document shortly after beginning the ECF filing steps. What (normally) should appear is a screen to allow uploading of documents. Instead, this dysfunctional screen with erroneous message and prompt appears. This screen has never appeared before in ECF when filing a document. As shown above, it does not allow one to go forward to the next prompt in order to upload document and then submit filing. It only allows one to go back but not forward. This is a technical failure. I kept trying to file the document last night on 12/11/23, but every time it led to this screen and would not permit me to move forward to file my documents (which included a Reply to the Donais Defendants' Objection to Remand, a Reply to the Hilliard Defendants' Objection to Remand, and a Motion for Limited Jurisdictional Discovery with Memorandum in Support). After much frustration and seeing that the deadline was going to expire without my being able to file my documents using the e-filing system, just before midnight I decided to try to send an email to the court with all 4 documents attached. However, only one PDF was able to be sent because of system limits on email attachments in my AOL email system. I then decided to retry again this morning in accordance with the provisions of the court rules regarding electronic filing and technical failures. See screenshot below of attempted email sent to the court last night.

● Bisasor v Donais et al. Filings for Today Aol/Sent 

**Andre Bisasor** Tue, Dec 12 at 12:00 AM 

From: quickquantum@aol.com  
 To: Talesha Saint-Marc, Kellie Otis, Jadean Barthelmes, Brier Duhamel, Daniel R. Sonneborn  
 and 2 more...

Dear All,

I am having trouble filing with ECF. I am filing by email instead for now so it is on time.

Andre Bisasor



Reply - note... .pdf  
 1.4MB



### **C. COURT RULES REGARDING TECHNICAL FAILURE**

#### **2.10 Technical Failure**

(a) **Definition.** A technical failure is deemed to have occurred when the court's ECF system cannot accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 pm (noon) on a given day, excepting such periods resulting from scheduled court maintenance for which public notice was provided.

(b) **Filing Options.** A Filing User experiencing a technical failure may conventionally file the document if accompanied by a declaration attesting to the Filing User's attempts to timely file the document using ECF.

(c) **Service Options.** A Filing User experiencing a technical failure may serve the document in any alternative manner permitted by the Federal Rules of Civil/Criminal Procedure.

(d) **Clerk Notification.** A Filing User shall immediately report a technical failure to the clerk's office help desk.

(e) **Extension of Filing Deadline for Technical Failure.** **If a Filing User misses a filing deadline due to an inability to file electronically as a result of a technical failure, such a failure shall constitute a condition rendering the office of the clerk of court inaccessible within the meaning of Fed. R. Civ. P. 6 and Fed. R. Crim. P. 45. In such circumstances, the Filing User may electronically or conventionally file the document, accompanied by a declaration stating the reasons for missing the deadline, no later than 12:00 noon of the first day on which the court is open for business following the original filing deadline.**

### **D. CONCLUSION**

Please take note of this technical failure. I will attempt again this morning to file my documents prior to noon as required by the court rules. Please treat my filings as timely in accordance with the court rules.

Sincerely  
 /s/andre bisasor  
 Andre Bisasor

Date: [The early morning of December 12, 2023]